

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of MURPHY ET AL.) Art Unit: 1761
Serial Number: 09/728,443) Examiner: Wong, L.
Filed: December 1, 2000) Atty Docket: 5485

For: CALCIUM FORTIFIED DAIRY PRODUCTS AND METHODS OF PREPARATION

COMMUNICATION

Assistant Commissioner of Patents
Washington, D.C. 20231


RECEIVED
APR 16 2003
TC 1700

Sir:

This paper is filed in response to the Notification of Non-Conformance dated March 14, 2003 sent out in connection with the above-identified U.S. patent application. In response to the requirement presented by the Examiner, submitted herewith is a new Appeal Brief, in triplicate, which provides further details of the invention, with reference to the specification by page and line number, in the summary section thereof.

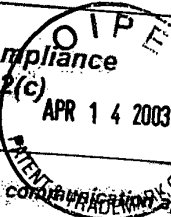
Upon entry of this substitute Appeal Brief, further consideration of this application in connection with the Appeal is requested. If the Examiner should have any additional concerns regarding this application, she is cordially invited to contact the undersigned at the number provided below if it would further expedite the prosecution and processing.

Respectfully submitted,


Everett G. Diederiks, Jr.
Associate Attorney for Applicant
Registration No. 33,323

Date: April 14, 2003
DIEDERIKS & WHITELAW, PLC
12471 Dillingham Square, #301
Woodbridge, VA 22192
Tel: (703) 583-8300
Fax: (703) 583-8301

**Notification of Non-Compliance
With 37 CFR 1.192(c)**



Application No.

09/728,443

Examiner

Leslie Wong

Applicant(s)

MURPHY ET AL

Art Unit

1761

RECEIVED

APR 16 2003

TC-1700

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address.
The Appeal Brief filed on 30 December 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☐ Other (including any explanation in support of the above items):

Leslie Wong

Leslie Wong
Primary Examiner
Art Unit 1761